

Plaintiff asks the Court to, nevertheless, consider the merits of his motion, and

then deny it as untimely. Defendants object to this proposal, as it would require them to expend resources on responding to the motion for no reason. The Court does not believe it is appropriate to consider and offer its opinion on the merits of Plaintiff's motion when it has no jurisdiction to do so. Plaintiff has filed a Notice of Appeal and will have the opportunity for appellate review of arguments he chooses to present to the Eighth Circuit Court of Appeals.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for a new trial is **DENIED** as untimely. (Doc. No. 262.)

IT IS FURTHER ORDERED that Defendants' motion to strike Plaintiff's motion for a new trial is **DENIED** as moot. (Doc. No. 266.)


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 9th day of November, 2016.